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500.34077CC3 / E2063-04EN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MAKI, et al.
Serial No.: 09/900,144
Filed: July 9, 2001
For: OPTICAL SYSTEM FOR MEASURING METABOLISM IN
A BODY AND IMAGING METHOD
Group: 3737
Examiner: E. Mercader
Conf. No.: 6500

**REQUEST FOR CONSIDERATION OF OUTSTANDING
INFORMATION DISCLOSURE STATEMENT ISSUES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

10 April 2006

Sir:

In the matter of the above-identified application, Applicant respectfully requests Examiner's consideration of the following outstanding IDS issues:

Provided herewith are copies of pages of Forms PTO-1449 and/or SB/08 from Applicant's recent 22 February 2006 IDS and 02 March 2006 IDS, as well as USPTO-date-stamped return receipt postcards evidencing the filing of such IDSs. The Examiner has **NOT** yet initialed off on consideration of such references. Copies of appropriate ones of the listed references were previously provided with the original filings of the IDSs. Examiner initialing with respect to such references is respectfully requested.

Provided herewith is a copy of two (2) pages of Forms PTO-1449 from

Applicant's 09 July 2001 IDS. Regarding the first 1449 page (totally filled with reference citations), the Examiner has previously initialed off on consideration of such references, but final review of the file for this application has revealed three (3) typographical errors in reference numbers. The provided duplicate copy of the initialed 1449 sheet shows hand-marked and circled corrections. Examiner re-initialing with respect to the corrected references is respectfully requested. Regarding the second 1449 page, the Examiner has **NOT** yet initialed off on consideration of such references. Copies of the correct listed references were previously provided with the original 09 July 2001 filing of the IDS. Examiner initialing with respect to such references is respectfully requested.

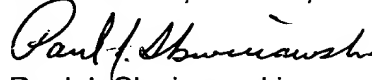
Enclosed is an SB/08 form listing several references found to be references equivalents of references having already been previously considered (i.e., Examiner initialed off on) and/or previously submitted. More particularly, listed reference US 5,517,987 is an equivalent of JP-A-07-049304 (already initialed), and JP-A-7-507472 (copy enclosed) is an equivalent of WO 93/25141 (already initialed). Listed reference JP-A-04-502118 (copy enclosed) is an equivalent of US 6,210,346 (already submitted). Examiner initialing with respect to such references is respectfully requested.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case No. 500.34077CC3), and please credit any excess fees to such deposit

account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Paul J. Skwierawski

Registration No. 32,173

PJS/
(703) 312-6600

Attachments:

Copy of PTO-1449 from 22 February 2006 IDS (copy of postcard receipt)

Copy of PTO-1449 from 02 March 2006 IDS (copy of postcard receipt)

Page 1 (hand-corrected) of Form PTO-1449 for 09 July 2001 IDS

Page 2 of Form PTO-1449 for 09 July 2001 IDS

SB/08 form (listing US 5,517,987 and JP-A-7-507472)

Copy of JP-A-7-507472

Copy of JP-A-04-502118



Form PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DKT. NO. 500.34077CC3	SERIAL NO. 09/900,144
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		APPLICANT MAKI, et al.	
		FILING DATE July 9, 2001	GROUP 3737

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date
AA	6,210,346	4-3-01	Hall, et al.			
AB	5,137,355	8-11-92	Barbour, et al.			
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						
AL						

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation /Abstract	
						Yes	No
AM	5-103774	4-27-93	Japan			X	
AN	5-86304	11-22-93	Japan			X	
AO	94/10901	5-26-94	WO			X	
AP							
AQ							
AR							
AS							
AT							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	
AV	
AW	
AX	
AY	
AZ	
Examiner	Date Considered

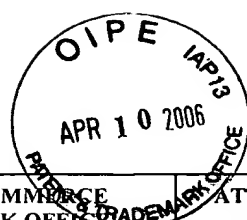
Patent Dkt. No. 500.34077CC3 Attorney Initials PJS
Application No. 09/900,144 Filing Date July 9, 2001
Applicant(s) MAKI, et al.
Papers Filed Herewith on February 22, 2006

Receipt is hereby acknowledged of the papers filed as indicated by the checked items in connection with the above-identified application:

☐ New Application Transmittal Form
 ___ Pages of Specification (___ claims)
 ___ Sheets of Drawings
☐ Declaration (___ pages)
☐ Fee Transmittal Form
☐ Claim for Priority
 ☐ Priority Documents
☐ Assignment Papers
☐ Issue Fee Transmittal
☐ Other

☒ Credit Card Payment Form
 Fees \$ 180.00
☐ Amendment
☐ Response to Office Action
☐ Petition for Extension of Time (___ mos.)
☒ Information Disclosure Statement
 ☒ PTO-1449 ☒ Copies of References
☐ Revised Drawings (___ sheets)
☐ Notice of Appeal

PTO
FEB 22 2006
PATENT & TRADEMARK OFFICE



Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DKT. NO.

500.34077CC3

SERIAL NO.

09/900,144

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT
MAKI, et al.

FILING DATE

July 9, 2001

GROUP

3737

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date
AA	4,736,751	04-1998	Gevins, et al.			
AB	5,321,265	06-1994	M. Block			
AC	5,396,571	03-1995	Saadatmanesh, et al.			
AD	5,291,888	03-1994	D. Tucker			
AE	5,954,053	09-1999	Chance, et al.			
AF						
AG						
AH						
AI						
AJ						
AK						
AL						

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation /Abstract	
						Yes	No
AM							
AN							
AO							
AP							
AQ							
AR							
AS							
AT							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AU	
AV	
AW	
AX	
AY	
AZ	
Examiner	Date Considered

PTO-1449 U.S. Department of Commerce
 Patent and Trademark Office
 (Rev. 4/92)

 ATTY. DOCKET NO.
 500.34077CC3

 SERIAL NO.
 §53(b) of 09/203,610

**INFORMATION DISCLOSURE
 STATEMENT BY APPLICANT**

(Use several sheets if necessary)

 APPLICANTS
 Atsushi MAKI *et al.*

 FILING DATE
 6 July 2001

 GROUP
 Unassigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
8/6	5 5 5 1 4 2 2	09/96	Simonsen <i>et al.</i>			
↑	4 1 7 0 9 8 7	10/79	Anselmo <i>et al.</i>			
	4 2 8 1 4 5	08/81	Jöbssis			
	4 5 1 5 1 6 5	05/85	Carroll			
	5 0 8 8 4 9 3	02/92	Giannini <i>et al.</i>			
	5 0 9 0 4 1 5	02/92	Yamashita <i>et al.</i>			
	5 1 2 2 9 7 4	06/92	Chance			
	5 1 9 8 9 7 7	03/93	Salb			
	5 4 1 9 3 2 0	05/95	Kawaguchi <i>et al.</i>			
	5 5 1 6 6 7 3	10/96	Shiono <i>et al.</i>			
9/6	4 2 2 3 6 8 0	09/80	Jöbssis			

 J-986 U.S. PTO
 09/900144
 07/09/01

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
					YES NO
63 -2 7 7 0 3 8	11/88	JP			
60 -0 7 2 5 4 2	04/85	JP			
62 -2 3 1 6 2 5	10/87	JP			
5- 3 0 0 8 8 7	11/93	JP			
55 -0 2 4 0 0 4	02/80	JP			
57 -1 1 5 2 3 2	07/82	JP			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

8/6	M. Dujovny <i>et al.</i> , "Intercerebral penetration of infrared light," J. NEUROSURG., 2/92.
8/6	S. Feng <i>et al.</i> , "Monte Carlo simulations of photon migration path distributions in multiple scattering media," SPIE, Vol. 1888, pp. 78-89. NO DATE

EXAMINER

DATE CONSIDERED

11/15/2003

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U.S. Department of Commerce
(Rev. 4/92) Patent and Trademark Office

ATTY. DOCKET NO.
500.34077CC3

SERIAL NO.
§53(b) of 09/203,610

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

APPLICANTS
Atsushi MAKI *et al.*

FILING DATE
6 July 2001

GROUP
Unassigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5 8 0 3 9 0 9	09/98	Maki <i>et al.</i>			
	6 1 2 8 5 1 7	10/00	Maki <i>et al.</i>			
	5 6 7 8 5 5 6	10/97	Maki <i>et al.</i>			
	5 7 7 2 5 9 7	10/98	Goldberger <i>et al.</i>			

FOREIGN PATENT DOCUMENTS

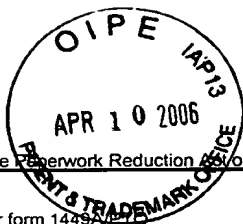
DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
					YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

DATE CONSIDERED

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(file as many sheets as necessary)</i>		Complete if Known			
		Application Number	09/900,144		
		Filing Date	7/9/2001		
		First Named Inventor	MAKI, et al.		
		Art Unit	3737		
		Examiner Name	E. Mercader		
Sheet	1	of	1	Attorney Docket Number	500.34077CC3

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
		US- 5,517,987		05-21-1996	Tsuchiya	
		US-				
		US-				
		US-				
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FOREIGN PATENT DOCUMENTS							
Examiner Initials ¹	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)					
		JP 7-507472		08-24-95			
		JP 4-502118		04-16-92			

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.